

JORDAN (Tier 2)

Jordan is a destination and transit country for adults and children subjected to forced labor and, to a lesser extent, sex trafficking. Small numbers of Jordanian adults are reportedly subjected to forced labor as low-skilled workers in Qatar and Kuwait, while Jordanian children employed within the country as mechanics, agricultural laborers, and beggars may be exploited in situations of forced labor. Jordan's sponsorship system binds foreign workers to their designated employers without adequate access to legal recourse when they face abuse and without the ability to switch employers, thereby placing a significant amount of power in the hands of employers and recruitment agencies. Migrant workers are further rendered vulnerable to forced labor due to indebtedness to recruiters, negative societal attitudes toward foreign workers, and legal requirements that foreign workers rely on employers to renew their work and residency permits. Women from Sri Lanka, Indonesia, and the Philippines voluntarily migrate to Jordan for employment as domestic workers; some are subjected to conditions of forced labor after arrival, including through such practices as unlawful withholding of passports, restrictions on movement, nonpayment of wages, threats of imprisonment, and physical or sexual abuse. Approximately 480 Filipina, Indonesian, and Sri Lankan domestic workers, most of who had fled conditions indicative of forced labor, were sheltered at their respective embassies in Amman at the conclusion of the reporting period. In March 2011, the Government of Jordan announced it would allow the legal recruitment of domestic workers from Vietnam in light of continued bans imposed by the Indonesian and Philippine governments against the employment of their nationals in Jordan. The Aqaba Special Economic Zone Authority, governed under separate labor regulations, allows the recruitment of domestic workers from Ethiopia, Nepal, Kenya, and Ghana.

Chinese, Bangladeshi, Indian, Sri Lankan, Nepali, and Indonesian men and women encounter conditions indicative of forced labor in a few of the Jordanian garment sector's factories, including unlawful withholding of passports, delayed payment of wages, forced overtime, and, to a lesser extent, verbal and physical abuse. Observers noted a decrease in the holding of factory workers' passports by factory managers during the year, possibly due to increased awareness of criminal prohibition of this practice. While garment sector employees may enjoy greater freedom of movement as a result, continued bureaucratic difficulties in accessing legal remedies to complaints of abuse and in legally transferring from one employer to another may contribute to this group's vulnerability by encouraging illegal employment. In 2010, the garment workers' union received 450 individual complaints from workers of labor abuses, compared to 1,444 filed in 2009, a sharp decrease that may indicate some improvements in labor conditions in the garment sector. During the year, NGOs and the media reported that unlawful practices in Jordan's agricultural sector – such as passport confiscation, nonpayment or underpayment of wages, forced overtime, and possibly debt bondage – led to conditions of forced labor for some Egyptian and, to a lesser extent, Syrian workers. Egyptian migrant workers may also experience forced labor in the construction and building maintenance sectors. Moroccan, Tunisian, and Eastern European women are reportedly subjected to forced prostitution after migrating to Jordan to work in restaurants and night clubs. Jordan's airports may be transit points for South and Southeast Asian men and women en route to employment opportunities in other Middle Eastern countries, where some experience labor exploitation after arrival.

The Government of Jordan does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the year, it demonstrated progress in enforcing regulations restricting garment sector employers from withholding their workers'

passports, responding to labor complaints made by factory workers, waiving migrant domestic workers' accumulated overstay fines, and punishing a small number of individuals for crimes of forced labor against domestic workers. Despite these efforts, the government demonstrated overall decreased commitment to combat human trafficking, as once effective structures became moribund. Several government reshuffles, limited capacity in key ministries, and a general lack of inter-ministerial coordination and cooperation prevented Jordan from capitalizing upon the solid anti-trafficking legal and strategic framework established in the previous reporting period. The government accomplished little to implement its national anti-trafficking action plan in 2010, and did not finalize guidelines for establishing and operating a facility to provide shelter and other forms of assistance to trafficking victims. It failed to enforce its bylaws that provide standards for employing domestic workers and operating recruitment agencies, and did not launch an anti-trafficking public awareness campaign. To the extent the government worked to combat forced labor, it is almost exclusive emphasis on conditions in garment factories left abused workers in other sectors – particularly domestic service and agriculture – without viable means of recourse or assistance.

Recommendations for Jordan: Using the anti-trafficking statute, increase efforts to investigate, prosecute, convict, and sentence trafficking offenses, especially those involving the forced labor of domestic, garment factory, and agricultural workers; increase penalties for forced labor offenses; implement an awareness campaign to educate the general public, as well as foreign migrant workers in all sectors, on the nature of human trafficking, particularly forced labor and the proper treatment of domestic workers under Jordanian law; issue regulations governing work in the agricultural sector; enhance protective services available to trafficking victims to include the availability of adequate shelter; strengthen efforts to proactively identify victims of forced labor and forced prostitution and ensure identified victims are not punished for unlawful acts committed as a direct result of their being trafficked; ensure that identified trafficking victims are promptly referred by law enforcement, social services, and labor officials to protection services using a standardized procedure; and, where appropriate, increase bilateral partnerships and systematic information sharing with governments of source countries to better protect migrant workers from abuse and resolve cases of alleged exploitation.

Prosecution

The Government of Jordan made increased efforts to prosecute and punish trafficking offenders during the reporting period. Police officials, however, did not always view withholding passports and nonpayment of wages as indicators of human trafficking. The Anti-Human Trafficking Law of 2008, which became effective in March 2009, prohibits all forms of trafficking and prescribes penalties of six months' to 10 years' imprisonment for forced prostitution, child trafficking, trafficking of women and girls, and trafficking crimes involving other aggravating circumstances; these penalties are sufficiently stringent, though not commensurate with those for other serious crimes, such as rape. Penalties prescribed for labor trafficking offenses against men that do not involve aggravating circumstances are limited to a minimum of six months' imprisonment and a maximum fine of \$7,000 – penalties that are not sufficiently stringent. Jordan's labor law assigns administrative penalties, such as fines of up to \$1,400, for labor violations committed against Jordanian or foreign workers, including forced labor violations; these penalties also are not sufficiently stringent.

Over the last year, the government investigated and prosecuted several cases involving forced labor and forced prostitution. The Public Security Department (PSD) reported its investigation of 12 cases involving the exploitation of domestic workers and referral of six cases to the courts. The Jordanian government reportedly used the anti-trafficking law to convict and sentence six individuals in 2010 for crimes involving the exploitation of domestic workers. Three defendants – all owners of recruitment

agencies – were sentenced in unrelated cases in March and May 2010 to six months' imprisonment and a \$1,410 fine for forcing runaway domestic workers to illegally work on a daily basis for various employers while collecting their wages. In September and October 2010, courts in Madaba and Amman, respectively, convicted and sentenced to one year's imprisonment and a \$1,410 fine two female employers for forcibly hiring out their domestic workers to their neighbors and illegally collecting the payments. In late 2010, a third female employer was convicted for the same crime and received an identical sentence. In addition, the Higher Criminal Court in Amman commenced the prosecution of a domestic worker's employer on charges of human trafficking and rape. In early 2011, three additional cases were filed in Amman and one in Zarqa involving the alleged exploitation of migrant domestic workers; these prosecutions remained pending at the close of the reporting period. Contrary to previous reporting, the government has not concluded the prosecution of two suspected trafficking offenders for forcing two Tunisian women into prostitution. Two cases pending in Amman courts at the close of the previous reporting period – the prosecution of an employer who allegedly confined a Sri Lankan domestic worker to the house without pay for more than 10 years and the prosecution of a man charged with the sexual assault of his domestic worker – remained pending final judicial decisions. The government made no efforts, however, to prosecute forced labor abuses in other sectors, including against those employers suspected of withholding workers' passports as a means of keeping workers in situations of forced labor. The government provided anti-trafficking training to some officials through its police training academy and a training program for labor inspectors.

Protection

The government made inadequate efforts to protect victims of trafficking during the last year; it did not provide any specialized services to trafficking victims. The government reportedly identified 12 potential victims of domestic servitude during the reporting period; it is unclear what services it provided, if any, to these victims. While Article 7 of the anti-trafficking law contains a provision for the opening of shelters, the country continued to lack direct shelter services for victims of trafficking. The working group established in 2009 under the National Committee for the Prevention of Human Trafficking to draft bylaws to serve as the legal framework for operating shelters for trafficking victims did not formulate and receive approval for these bylaws during the reporting period. The Committee also failed to approve the Ministry of Social Development's (MOSD) management and resource plan for operating a shelter. The MOSD shelter for abused women accepted some foreign victims of trafficking in 2010; however, this shelter lacks sufficient capacity and services specific to trafficking victims. During the year, the Ministry of Labor rented hotel rooms for some garment sector workers pending investigations of labor complaints, but reported that funds for this purpose were limited; none of these investigations resulted in criminal proceedings in 2010. In contrast, unidentified victims were generally kept in administrative detention pending deportation or, in the case of domestic workers, sometimes sought refuge at their respective embassies, as Jordanian law enforcement and social welfare authorities did not employ systematic procedures to proactively identify victims of trafficking among vulnerable populations.

Most detained foreign domestic workers, even those who claimed abuse, were not screened for victimization. For example, in June 2010, preventative security cadres in Zarqa governorate raided a house used as a brothel and arrested seven Asian males and six females, some of who had previously worked as maids; government authorities determined that the women were not potential trafficking victims and prosecuted all 13 individuals for prostitution violations. The government did not adequately ensure that identified victims were not penalized for unlawful acts committed as a direct result of being trafficked. Victims continued to be vulnerable to arrest and detention if found without valid residency documents and some foreign domestic workers fleeing abusive employers were

incarcerated after their employers filed false claims of theft against them; several local observers indicate that the majority of such accusations are unfounded. In early 2011, the PSD granted residency permits to nine migrant domestic workers being held by a recruitment agency, forced to perform illegal day labor, and denied wages; these residency permits, however, did not allow the victimized workers to seek alternate employment. The government did not actively encourage victims to pursue the investigation or prosecution of trafficking offenses committed against them, and did not provide lawyers for alleged victims to pursue criminal or civil cases against their employers. The threat of detention due to expired residency documents and the lack of special work permits and visas that would allow trafficking victims to remain legally in Jordan made it difficult for abused workers to leave their employers, thereby leaving them vulnerable to prolonged situations of human trafficking.

The fining of foreign workers without valid residency documents – including identified trafficking victims – on a per day basis for being out-of-status served as a disincentive to remain in Jordan and pursue legal action against traffickers. During the year, the Ministry of Interior (MOI), in consultation with an ad hoc committee comprised of government and private sector representatives, waived the accumulated overstay penalties levied against some “runaway” foreign domestic workers in order to repatriate them. Others, however, remained in detention for prolonged periods as they were either unable to pay these fines or were subject to a lengthy and highly bureaucratic process to obtain a waiver, which could take in excess of two years; the government failed to screen detained out-of-status migrant workers for victimization. In March 2011, the cabinet granted a 50 percent reduction in foreign domestic workers’ accumulated overstay fines and provided a two-month grace period to pay these fines. In April 2011, the cabinet announced a two-month amnesty for Filipina, Sri Lankan, and Indonesian domestic workers to apply for both a waiver of the entirety of their accumulated overstay fines and a new work permit. This amnesty was then extended in May 2011 until mid-June.

While foreign workers in garment sector factories were not liable for overstay fines, for which the government instead held their sponsoring employer accountable, the Ministry of Interior reportedly deported foreign factory workers rather than investigating their claims of labor violations. The Ministry of Labor (MOL) made some headway in limiting this practice during the reporting period, successfully reversing deportation orders in a small number of cases to allow time for investigation or by placing some workers with different factories while investigations were pending. The government did not provide long-term shelter to trafficking victims, although the PSD provided residency permits in the one aforementioned case.

Prevention

The government’s efforts to prevent trafficking decreased during the reporting period. It did not conduct any information or education campaigns beyond the labor inspectorate’s provision of brief awareness raising workshops for workers in garment factories. As a result, awareness of human trafficking and the appropriate treatment of domestic workers remained low among the general population. The National Committee for the Prevention of Human Trafficking did little to implement its National Strategy and Action Plan to Combat Human Trafficking (2010 – 2012) that was launched in March 2010. The committee is required by law to meet quarterly, but meetings were not consistently held during the reporting period, greatly limiting its effectiveness. The government made little effort to enforce its two bylaws enacted in 2009 that provide standards for employing domestic workers and operating recruitment agencies; their implementation was partially hindered by the unclear nature of some of the regulations, as well as the inability of the labor inspectorate to monitor effectively domestic servants’ workplaces. The government also made no effort to rectify weaknesses in the bylaws, including the requirement that the worker obtain the employer’s permission to leave the house;

if a domestic worker flees the premises, the employer is neither bound to fulfill any financial obligations toward the worker nor bear the expense of returning her to her home country. A standardized contract for the employment of domestic workers, which is required by law, was not consistently implemented. Unlike the previous reporting period, the government provided no information regarding its closure of or fines issued against recruitment agencies for failure to comply with the labor law or recruitment agency bylaw.

The MOL continued operation of a hotline to receive labor complaints, such as the withholding of workers' passports; the inspectorate did not maintain complete records of calls received, but contended that every complaint was investigated. NGO and private sector contacts reported that the hotline provided better assistance to factory workers than to domestic helpers, as after-hours calls required a complainant to leave a message and be called back. The MOL Labor Inspectorate conducted regular night inspections of garment sector factories, and contacts confirmed these inspections were being carried out. The government has not issued regulations governing work in the agricultural sector, leaving the Ministry of Labor without a clear mandate to investigate possible labor violations within this field. Labor inspectors issued an unknown number of fines for labor violations in some garment factories. In contrast to past years, the government did not provide information as to whether administrative courts heard cases of wage nonpayment and provided compensation to aggrieved foreign workers. Additionally, labor regulations prevented the three-person inspectorate dedicated to addressing abuses against domestic workers from investigating private homes when they doubled as workplaces for domestic workers. The MOL undertook two nationwide child labor inspection and education campaigns during the reporting period, covering a total of 900 workplaces, which included brief lectures on the laws governing child labor in Jordan. While these inspections resulted in an unknown number of fines and warnings for employers found to be using child labor, it is unclear whether the children were screened for victimization by forced labor and what assistance, if any, was provided them. The government did not undertake any discernible measures to reduce the demand for commercial sex acts during the year. Jordan's Peace Operations Training Center provided anti-trafficking training as part of the standard training regimen for peacekeepers being deployed abroad as part of international peacekeeping missions.